

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Bobby Birtha, # 268582,)	C.A. No. 8:05-1026-TLW-BHH
)	
Petitioner,)	
)	
vs.)	ORDER
)	
William White, Warden, Broad River)	
Correctional Institution; and)	
Henry McMaster, Attorney General)	
of the State of South Carolina,)	
)	
Respondents.)	
)	

The *pro se* petitioner, an inmate at the South Carolina Department of Corrections, seeks *habeas corpus* relief under Title 28, United States Code, Section 2254. (Doc. # 1). The respondents filed a motion for summary judgment on June 20, 2005. (Doc. # 9). Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the petitioner was advised by Order filed June 22, 2005 that he had thirty-four (34) days to file any material in opposition to the motion for summary judgement. (Doc. # 10). Petitioner filed a response to the respondents' motion for summary judgement on August 22, 2005. (Doc. # 15). This matter is now before the Court upon the Magistrate Judge's recommendation that the respondents' motion for summary judgment be granted. No objections to the Report have been filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections

have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 16), and respondents' motion for summary judgment is **GRANTED** (Doc. # 9).

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

March 1, 2006
Florence, South Carolina